IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

CIVIL APPLICATION NO.1781 OF 2005
IN
WRIT PETITION NO.1353 OF 2004

Kirloskar Brothers Ltd. and another)..Petitioners

Versus

Nandu Baburao Kondalkar)..Respondent

Mr.Deepak Poonamiya i/b.M/s.RMG Law Associates for the Petitioners.

Mr.N.A.Kulkarni for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 12TH AUGUST 2005

P.C.:

. The present Civil Application has been filed for extension of time to deposit the amount directed by this Court by its order dated 23rd March 2004. The amount not having been deposited, extension is sought. A similar matter of the Company and another workman being Writ Petition No.1032 of 2004 was also admitted and the Company was directed to deposit the amount within four weeks of the order. Prayer clause (b) was granted on condition that the amount be deposited within four weeks. Similar Application being Civil Application No.1781 of 2005 was filed by the Company in Writ Petition No.1032 of 2004, and Marlapalle, J., has passed the following order on 22nd July 2005 in the said Civil Application :

> ". While granting Rule on Writ Petition No.1032 of 2004 this Court had granted interim relief in terms of prayer clause (b) therein on the condition that the petitioner deposited with the Registry of this Court the entire amount of backwages awarded by the Labour Court within a period of four weeks. This has not been done and, therefore, the order of interim relief would automatically stand vacated as of now.
>
> . By this application the Petitioner-Management has prayed for extension of time to deposit the amount and condone the delay caused in depositing. It would not be expedient to entertain such an application. However, the petitioner-company has an option either to reinstate the respondent-workman in service forthwith or pay him the amount of monthly salary as if he is in service during the pendency of the writ petition. If the respondent-workman is not reinstated within a period of two weeks from today, the petitioner-company shall calculate the amount of monthly wages payable to the workman as if on duty and deposit the same with the Registrar of this Court within a period of four weeks and it shall continue to pay the monthly salary to the workman as if on duty from 1st August 2005 till the writ petition is decided.
>
> . Civil Application stands disposed off accordingly."

2. In my view, it would be appropriate to pass the same order.

3. Civil Application disposed of accordingly.